REMARKS

This Amendment is submitted in response to the Office Action dated March 10, 2005, having a shortened statutory period set to expire June 10, 2005. Claims 21-32 are now pending.

Rejections Under 35 U.S.C. § 102(e)

In the present Office Action, Claims 21-32 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Adelman et al.*, (U.S. Patent Number 6,078,957hereinafter referred to as "*Adelman*"). After careful consideration of Examiner's remarks, Applicants respectfully submit that Claims 21-32 are not rendered unpatentable under *Adelman* and respectfully traverse Examiner's rejection in view of the arguments submitted therein.

Adelman discloses a failover handling process where a set of timers measure whether or not cluster members are active. If too much time has elapsed for a particular timer, then the cluster member associated with the particular timer is considered inoperative. If the inoperative cluster member is determined to be the master unit, a new master unit needs to be determined (col. 12, line 62-col. 13, line19).

However, *Adelman* does not teach or suggest "in response to a receiving load balancer out of said plurality of load balancers receiving a communication from at least one of said plurality of clients, determining a primary load balancer and a backup load balancer for handling said communication" (Claim 21). As indicated on page 5 of the Specification, the purpose of the primary and backup load balancers is "so the designated backup [load balancer] takes over the processing of [the primary load balancer] if the [primary load balancer] becomes inactive or incapable of processing the TCP connection." In *Adelman*, the master unit acts as an arbiter of communication within the cluster, but does not have a backup unit that is determined in response to the master unit receiving a communication from a client.

Applicants also believe that the argument pertaining to Claim 21 also pertains to Claims 24, 27, and 30.

In light of the preceding argument, Applicant believes that independent Claim 21, 24, 27, and 30 and all dependent claims are not anticipated by *Adelman* and are thus not rendered unpatentable.

Respectfully submitted,

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